IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:06CR056-1

UNITED STATES OF AMERICA,)	
Vs.)	ORDER
v 5.)	OKDEK
RONNIE DEAN PRESNELL,)	
Defendant.)	
)	

THIS CAUSE coming on to be heard, pursuant to a motion filed by the defendant entitled, "Motion for Detention Hearing" which was filed by the defendant's counsel on September 1, 2006. A review of the file in this matter shows that a detention hearing was held on Friday, August 25, 2006 after which the undersigned entered an order detaining the defendant which was filed on August 29, 2006. The file further shows that the defendant has appealed the Order of Detention entered by the undersigned to the District Court. As a result of this appeal, the undersigned is of the opinion that the undersigned will be without jurisdiction to hold another detention hearing until the District Court has ruled on the appeal. Should the District Court deny the defendant's appeal, then the defendant will be allowed to file a motion for a further hearing based upon a change of circumstances. The change of circumstances must be particularly alleged showing what facts and circumstances have changed since the detention hearing of August 25, 2006 which would materially affect the issue of whether or not the defendant should be detained pending trial.

ORDER

WHEREFORE, based upon the foregoing, the defendant's "Motion for Detention Hearing" is hereby **DENIED** without prejudice.

Signed: September 12, 2006

Dennis L. Howell

United States Magistrate Judge